APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,550	11/13/2001	Olivier Fischer	16-062	6754

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EXAMINER
HUNG, YUBIN

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/008,550	FISCHER, OLIVIER
	Examiner	Art Unit	
	Yubin Hung	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 February 2005_.
2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-17_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-17_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _13 November 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail. Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment/Arguments

- This action is in response to amendment filed 02/04/2005.

- Claims 1-17 are still pending.

- Applicant's amendment is not responsive to the objection to the specification; therefore the rejection is maintained.

- Applicant's arguments filed 02/04/2005 have been fully considered but they are not persuasive. Therefore, 35 USC 103 rejections of claims 1-17 are respectfully maintained and incorporated by reference as set forth in the prior office action (mailed 10/04/2004).

- **In remarks Applicant argued in substance**

  - *(Re claim 1) that Lan does not store modified (I.e., "new") textual elements, that Lan limits its claim to four layers and that Lan does not use the word "Translator." (See the response to claim 1 rejection.)*

    However, paragraph 0028 discloses that the textual elements (the JPEG version and/or the descriptive version such as ASCII) modified in paragraph 0025 are

stored in the database. Regarding the limiting to four layers, first, it has no

bearing to the rejection since no specific number is claimed; second, Lan only

uses four as an example, it has not explicitly limits the number of layers to four.

Regarding "translator," the rejection simply uses translation as an obvious

example of modification, paragraph 0025 discloses a (obviously) marketing-

oriented **modification** of the textual elements, namely by changing "On Sale!" to

"30% OFF!" Note that it is well known that marketing is geographically oriented

(because, among other things, of demographic and cultural differences).

- *(Re claims 2 and 3) that Lan never cites "translation;" that Lan only stores JPEG*
  graphics file, not text; and that per Fig. 1, there is no arrow going from the JAVA
  interface to the database. (See the response to the rejection of claims 2 & 3.)

Regarding the absence of "translation," see the analysis above (re the response

to the rejection of claim 1). Regarding the storing of textual elements, note that

both textual information in either graphics or ASCII or any other formats are

considered textual elements. Moreover, paragraph 0028 discloses that the final

result is stored in the database from which a CDR file can be generated.

Paragraphs 0021 and 0022 indicate that, for text objects (also considered textual

elements), PDF files include their corresponding descriptive information (e.g., the

words "On Sale!"). Finally, since paragraph states that the final (i.e., modified, or

new) results are sent to the server **and stored in the database 112** (lines 2-3),

the arrow should have been a 2-way arrow. The bottom line is, paragraph clearly

discloses that the modified data is stored in the database.

- *(Re claim 4) that Lan does not provide any storing for the new text, and even if*

  they did not provide it in a way as described in the response. (See the response

  to the rejection of claim 4.)

However, the issue of "storing new data" has been discussed above and the specific
manner of providing for the storage has not been claimed (in claim 4).

- *(Re claim 6) that Applicants just say that their invention will help in localizing*

  graphics files with text. (See the response to the rejection of claim 6.)

However, claim 6 recites the additional limitation that "the step of storing the textual
elements is performed by grouping the textual elements in layers," which Lan
discloses as per the analysis of claim 6. What Applicants said in its response is not
claimed.

- *(Re claim 8) that Lan has additional features that Fischer does not (see the first*

  three bullets of the response to claim 8 rejection) and that Lan does not store

  modified text (the last bullet).

However, per the analysis and subsequent rejections of the claims, Lan discloses all
claimed features of Fischer's invention. That it has additional features does not, in
this case at least, diminish the reasoning of the rejections. For the issue of the
storing of the modified data, see the discussions above.

(From the Office Action Mailed 10/04/2004)

Specification

1.   The use of the trademarks "Adobe" and "Photoshop" has been noted in this

application. It should be capitalized wherever it appears and be accompanied by the

generic terminology.

Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to prevent

their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-4, 6, 8-9, 12, 14, 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lan et al. (US 2002/0063681 A1).

4.   Regarding claim 1, Lan discloses

  • extracting textual elements from the target graphic
    [Fig. 1, numeral 111; Fig. 2; P. 2, paragraphs 0020-0022. Note the two
    CDR files describe the target graphics shown in Fig. 2. Note further
    that the extracted textual elements inherently are based on a
    geographical region(e.g., the United States, since it's in English.]
  • storing the extracted textual elements as a first set of textual element
    records to be modified based on the language and/or customs of a second
    geographical region to form a second set of textual element records
    [Fig. 2; P. 2, paragraph 0022, lines 6-12; paragraph 0025, lines 1-3;
    paragraph 0028. Note that title layer and subtitle layer are both
    considered a text layer since they contain text data. Further note that
    the extracted text can be modified by a user such as a translator.
    While Lan does not expressly disclose that the modifications are based
    on a geographical region, the disclosed method certainly supports this
    function (since the extracted data can be modified) and the motivation
    for doing so is obvious because, for example, multi-national companies
    certainly have a need to be able to cost-effectively produce promotional
    material understood by targeted customers in different geographical
    regions.]

5.   Regarding claim 2, Lan further discloses

  • accessing the first set of textual element records and modifying them to
    form the second set of textual element records
    [P. 2, paragraph 0025, lines 1-3; paragraph 0028]

6.   Regarding claim 3, Lan further discloses

  • accessing the first set of textual element records and modifying them to
    form the second set of textual element records
    [P. 2, paragraph 0025, lines 1-3; paragraph 0028]

7.   Regarding claim 4, Lan further discloses

  • wherein the set of textual element records comprises a plurality of
    records stored in a database
    [Fig. 1, numeral 112; P. 2, paragraph 0022, lines 6-12]

8.   Regarding claim 6, Lan further discloses

- wherein the step of storing the textual elements is performed by
  grouping the textual elements in layers
  [Fig. 1, numerals 111-112; P. 2, paragraph 0022, lines 6-12]

9.   Regarding claim 8, and similarly claim 14, Lan further discloses

- wherein the target graphic has a plurality of layers
  [Fig. 2; P. 2, paragraph 0020. Note that each type (e.g., text) of
  objects constitutes a layer]

and wherein the step of extracting textual elements from the target graphic
is performed by:
- creating a database for storing textual elements and examining each
  layer to determine if the layer is a text layer; if a layer is a text
  layer storing the text in the text layer in the database and repeating
  the steps until all layers of the target graphic have been examined
  [Fig. 1, numerals 111-112; P. 2, paragraph 0022, lines 6-12. Note that
  while Lan does not expressly disclose that the text layers (interpreted
  to include both title and subtitle layers) where extracted texts are
  stored are part of the database of the database, it is obvious that they
  are because in Fig. 1 the extractor (111) is connected directly to the
  database (112).]

10.   Regarding claim 9, Lan further discloses

- wherein the step of examining each layer is performed by examining a key
  for each layer
  [Fig. 1, numerals 111-112; Fig. 2; P. 2, paragraph 0021; P. 2, paragraph
  0022, lines 1-4. Note that each object has a type (i.e., key) such as
  image or text.]

11.   Regarding claims 12 and 17, they are similarly analyzed and rejected per the

analyses of claims 1-3 above.

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12.   Claims 5, 10, 11, 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lan et al. (US 2002/0063681 A1) as applied to claims 1-4, 6, 8-9, 12,

14 and 17 above, and further in view of Carter ["Writing Localizable Software for the

Macintosh", 1992. (Listed on the IDS.)].

13.   Regarding claim 5, and similarly claim 13, Lan teaches/suggests all limitations of

its parent,

claim 1.

Lan does not expressly disclose the following:

- providing a glossary containing translations for selected textual
  elements in a plurality of languages

However, on P. 18 Carter teaches using glossaries in multiple languages to facilitate

localization (i.e., providing versions for different languages) of software.

Carter and Lan are combinable because they both have aspects that are from the same

field of endeavor of data (e.g., extracted text or technical terms) conversion (e.g.,

translation or other forms of modification).

At the time of the invention, it would have been obvious to one of ordinary skill in the art

to modify Lan with the teachings of Carter by using a glossary containing translations for

selected textual elements in a plurality of languages. The motivation will be to ensure

the consistency in the modification (e.g., translation) of the same extracted textual

elements. [See Carter: P. 18, lines 1-4 of the 1st paragraph of the Glossary section.]

Therefore, it would have been obvious to combine Carter with Lan to obtain the

invention of claim 5.

14.   Regarding claim 10, and similarly claim 15, it is similarly analyzed and rejected

per the analyses of claims 1, 2, 5 and 8. Specifically,

- examining each layer to determine if the layer is a text layer, and if a layer is a text layer, storing the text in the text layer in the database as a set of textual element records corresponding to an initial geographical region
  [Per the analysis of claim 8. Note that extracted textual elements (such as those in Fig. 2 of Lan) are in English and therefore inherently are based on a geographical region such as the United States]
- modifying the set of textual elements records based on a new geographical region
  [Per the analysis of claim 2. See also the first paragraph of the Glossary section on P. 18 of Carter where translation as a way of modification is taught]
- storing the set of modified textual element records in a database location corresponding to the new geographical region
  [Per the analysis of claim 1]
- repeating the modifying and storing steps as necessary to create database records for all of the plurality of geographical regions
  [Per the analysis of claim 5. See, in particular, the last two lines on P. 18 of Carter]

15.   Regarding claim 11, and similarly claim 16, it is similarly analyzed and rejected

per the analyses of claims 9 and 10

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16.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lan et al.

(US 2002/0063681 A1) as applied to claims 1-4, 6, 8-9, 12, 14 and 17 above, and

further in view of Photoshop5 (Adobe® Photoshop® 5.0 Certification Guide, 1999, P.

241).

Regarding claim 7, Lan teaches/suggests all limitations of its parent, claim 6.

Lan does not expressly disclose the following:

- selecting layers from the set of textual element records to make visible
  in the target graphic

However, in the paragraph in the section "Viewing a Layered Document" on P. 241

Photoshop5 teaches that layers can be made visible or invisible when displaying a

graphic target.

Photoshop5 and Lan are combinable because they both have aspects that are from the

same field of endeavor of displaying data.

At the time of the invention, it would have been obvious to one of ordinary skill in the art

to modify Lan with the teachings of Photoshop5 by selectively making selected objects

(e.g., text layers) visible. The motivation will be to ensure that only the intended objects

are visible as is desired when making presentations to different target audiences.

Therefore, it would have been obvious to combine Photoshop5 with Lan to obtain the

invention of claim 7.

Conclusion and Contact Information

17.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

- Mateos (US 2003/005995A1) – Discloses a dynamic information delivery method

  and system that supports language translation

- Andrews (JP 06-083772) – Discloses a method and system for language

  translation

- Fujimoto (JP 02-219175) – Discloses a machine translation device

18.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Yubin Hung whose telephone number is (571) 272-
7451. The examiner can normally be reached on 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number
for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Yubin Hung
Patent Examiner
May 22, 2005

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